

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as  
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff

vs.

DORMITORY AUTHORITY – STATE OF NEW YORK, et al.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK  
AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY, et al.,

Fourth-Party Defendants.

Case No. 07-CV-6915 (DLC)  
**ECF CASE**

**NOTICE OF MOTION TO  
DISMISS PURSUANT TO  
FRCP RULE 12(b)(6)**

PLEASE TAKE NOTICE, that upon the accompanying Declaration of Robert R. Brooks-Rigolosi, dated January 14, 2008, and the exhibits annexed thereto, and the accompanying Memorandum of Law, and upon all prior pleadings, papers and proceedings heretofore had herein, Defendant Specialty Construction Brands, Inc. t/a TEC (“TEC”) will move this Court, Hon. Denise L. Cote, U.S.D.J., at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, on the date and time to be determined by the Court, for an Order (i) dismissing the Complaint of the above-named plaintiff

as against TEC pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and (ii) awarding costs and such other and further relief as to this Court shall seem just and proper.

Dated: New York, New York  
January 14, 2008

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MAHONEY, LTD.  
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/s/ Robert R. Brooks-Rigolosi, Esq.  
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